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Viewing cable 08BOGOTA1517, URIBE-SUPREME COURT TENSIONS RISE OVER

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Reference ID	Created	Released	Classification	Origin
08BOGOTA1517	2008-04-23 21:03	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

Appears in these articles:

<http://www.semana.com/wikileaks/Seccion/168.aspx>

VZCZCXYZ0012
PP RUEHWEB

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P 232103Z APR 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 2492
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8157
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C O N F I D E N T I A L BOGOTA 001517

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E.O. 12958: DECL: 04/21/2018

TAGS: [KJUS](#) [PHUM](#) [PREF](#) [PREL](#) [PTER](#) [CO](#)
SUBJECT: URIBE-SUPREME COURT TENSIONS RISE OVER
PARA-POLITICAL INVESTIGATIONS

Classified By: Political Counselor John Creamer
Reason 1.4 (b and d)

SUMMARY

¶1. (C) Preliminary investigations by the Supreme Court of Senate President Nancy Patricia Gutierrez and U Party President Senator Carlos Garcia for alleged paramilitary ties led President Uribe to call on April 17 for "objectivity" in the Court. Uribe voiced "total support" for the judiciary, but urged the Supreme Court not to "open the door to institutional instability" through investigations based on weak evidence. Casa de Narino Legal Advisor Edmundo del Castillo and opposition Liberal Party chief Cesar Gaviria told us some members of the Court harbor animosity toward the President and that may be influencing their decisions. The Prosecutor General (Fiscalia) detained Uribe cousin and former Senator Mario Uribe on April 23--a move expected to heighten tensions between the executive and the judiciary. End Summary

SENATE LEADERS INVESTIGATED

¶2. (U) The Supreme Court has begun preliminary investigations of Senate President Nancy Patricia Gutierrez and U Party President Carlos Garcia for alleged paramilitary ties. The Fiscalia also arrested former Senator Mario Uribe (President Uribe's distant cousin and long-time political ally) on April 23 for reported para links. Mario Uribe unsuccessfully sought political asylum in the Costa Rican Embassy prior to his detention. Gutierrez and Garcia voiced confidence that the investigations against them would be dropped with no charges filed. Gutierrez said the Court appeared to be initiating investigations based on rumors or the testimony of single, unreliable, and politically motivated witnesses.

URIBE CALLS FOR OBJECTIVITY

¶3. (U) President Uribe reiterated his "total support" for the judicial system on April 17, but urged the Supreme Court to be "objective" in its decisions. He highlighted the increased resources that the GOC has provided the Court to carry out the para-political investigations, but called on it "not to open the door to institutional instability." Minister for Interior and Justice Carlos Holguin elaborated on April 20 that the GOC wanted "clarity and certainty" in the Court's actions, adding that "in some cases the Court had acted based on weak evidence." Uribe announced after a meeting with GOC coalition party leaders on April 20, that the GOC would set up a commission to study possible political and judicial reform proposals, likely including ideas to reform systems for investigating members of Congress.

SUPREME COURT "VENDETTA" CLOUDS JUDGMENT

¶4. (C) Presidential Legal Advisor Castillo told us former Supreme Court President Cesar Julio Valencia Copete and Supreme Court Judge Yesid Ramirez have influenced the Court's judgment when dealing with GOC allies. Valencia is the subject of a criminal libel complaint filed by Uribe over their differing accounts of a phone conversation in October, 2007 in which Valencia alleges Uribe inappropriately raised the case of Mario Uribe. Castillo claimed Valencia's recent calling of a former paramilitary as a witness in his dispute with Uribe was irrelevant to the case and designed only to damage the president. Then Supreme Court President Ramirez publicly clashed with Uribe two years ago, when he accused the president of siding with the Constitutional Court in its dispute with the Supreme Court over jurisdiction. Uribe's relations with the Supreme Court have been strained since.

¶5. (C) Castillo said Supreme Court Auxiliary Magistrate Ivan Velasquez also continued his "vendetta" against Uribe,

offering juridical benefits to former-paramilitaries to testify against the president. Uribe filed a criminal complaint with the Fiscalía against Velasquez, accusing him of illegally pressuring ex-paras to provide false testimony against the president. Castillo added that jailed former para leader Diego Murillo's (Don Berna) lawyer recently told him that Velasquez had offered Berna "benefits" in exchange

for testimony against Uribe. Such accusations are aimed at undermining Uribe's credibility, Castillo said.

16. (C) Further complicating the picture are rumors that ex-paramilitary leader Carlos Mario Jimenez ("Macaco") bribed Supreme Court magistrates, including Ramirez, to elect Fiscal General Mario Iguaran. GOC members of Congress have also considered whether an investigation is warranted to examine ties between some magistrates and Italian businessman Gorgio Sale, allegedly involved in narcotrafficking and other crimes with ex-paramilitary leader Salvatore Mancuso. Several Court members believe Congressmen implicated in the scandal are behind the allegations of Court ties to paramilitaries. The Congressional Commission of Accusations is responsible for investigations against the magistrates. On April 23, presidents of the four high courts (Supreme, Constitutional, Judiciary Council, and State Council) jointly announced their backing for the Supreme Court and its decisions in the para-political scandal.

FORMER PRESIDENT GAVIRIA FEARS FURTHER TENSIONS

17. (C) Opposition Liberal Party Chief and former-President Cesar Gaviria told us he is concerned over the rising tensions between the Supreme Court and Uribe. Gaviria said the Supreme Court has done a good job overall investigating para-political scandal. Still, he added that recent decisions on para investigations and the Macaco extradition reflected some Court members' "personal animosity" towards Uribe. Gaviria said evidence in the cases against Uribe confidants Gutierrez and Mario Uribe appears weak. He predicted the Court's tensions with the GOC would deepen since Uribe believes (accurately or not) that some judges are out to get him and his political allies.

BROWNFIELD